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5   Counsel for Defendant KIBBEE

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7

8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE NORTHERN DISTRICT OF CALIFORNIA

10   SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,   )   No. CR 12-00701-DLJ
)
12   Plaintiff,   )   STIPULATION AND []
)   ORDER CONTINUING STATUS
13 vs.   )   HEARING DATE AND EXCLUDING
)   TIME UNDER THE SPEEDY TRIAL ACT
14 BRENDA JO KIBBEE,   )
)
15   Defendant.   )
    _____)
16

17   **STIPULATION**

18   Defendant Brenda Jo Kibbee, by and through Assistant Federal Public Defender Varell L.

19 Fuller, and the United States, by and through United States Department of Justice Trial Attorney

20 Matthew J Kluge, hereby stipulate that, with the Court's approval, the status hearing currently

21 set for Thursday, March 7, 2013, at 9:00 a.m., shall be continued to Thursday, May 2, 2013, at

22 9:00 a.m.

23   The reason for the requested continuance is defense counsel requires additional time to

24 effectively prepare and review the voluminous discovery provided in this matter. Accordingly,

25 the parities therefore respectfully requests a continuance of the status hearing previously set in

26 this matter to May 2, 2013.

Stipulation and [] Order Continuing
Hearing   1

1   Accordingly, the parties agree that the time between March 7, 2013, and May 2, 2013,

2 may be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for

3 effective preparation by defense counsel.

4
   Dated: March 1, 2013

5   _____/s/_____
                                        VARELL L. FULLER

6   Assistant Federal Public Defender

7
   Dated: March 1, 2013   _____/s/_____

8   MATTHEW J. KLUGE
                                        Trial Attorney, Tax Division

9   United States Department of Justice
   //

10   **[] ORDER**

11   GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY

12 ORDERED that the hearing currently set for Thursday, March 7, 2013, shall be continued to

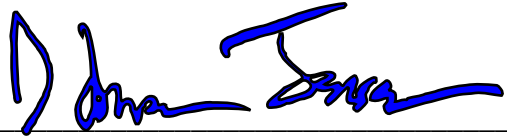13 Thursday, May 2, 2013, at 9:00 a.m.

14   THE COURT FINDS that failing to exclude the time between March 7, 2013, and May 2,

15 2013, would unreasonably deny the defendant reasonable time necessary for effective

16 preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§

17 3161(h)(7)(B)(iv).

18   THE COURT FINDS that the ends of justice served by excluding the time between

19 March 7, 2013, and May 2, 2013, from computation under the Speedy Trial Act outweigh the

20 interests of the public and the defendant in a speedy trial.

21   THEREFORE, IT IS HEREBY ORDERED that the time between March 7, 2013, and

22 May 2, 2013, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §

23 3161(h)(7)(A) and (B)(iv).

24   IT IS SO ORDERED.

25   Dated: ⊢Ꝺꞩꞩ⊢   _____
                                      THE HONORABLE D. LOWELL JENSEN

26   United States District Judge